APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,245	10/08/2003	Robert M. Getler	2002-0657.02	1008

21972   7590   07/11/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/682,245	GETLER ET AL.
	Examiner	Art Unit	
	KENNY S. LIN	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-2, 4-9, 13-14, 16-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miyachi, US 6,108,492.

4.   Miyachi was cited in the previous Office Action.

5.   As per claims 1, 13 and 25-26, Miyachi taught the invention substantially as claimed

including a printer monitoring system, comprising:

      a. A first network (LAN 160 or PSTN 130: fig.1);

      b. A first computer connected to said first network (110b);

      c. A first non-networked printer (MFP 110a: fig.1) in communication with said first

          computer via a first peripheral connection (channel 205), said first non-networked

          printer having associated therewith first printer status information (col.5, lines 57-

          60);

      d.   First agent software installed on said first computer, said first agent software configured to obtain said first printer status information from said first non-networked printer (col.5, lines 47-50, col.9, lines 10-16, col.10, lines 44-49);

      e.   A monitor computer in communication with said first computer via said first network (remote monitoring computer 170 or workstation 150: col.4, lines 49-51, col.9, lines 42-52);

      f.   Manager software installed on said monitor computer, said manager software configured to obtain said first printer status information from said first agent software (col.9, lines 1-24, col.10, lines 60-65); and

      g.   A database configured to store said printer status information (col.5, lines 21-24),

      h.   Said first computer executing said first agent software to obtain said first printer status information from said first non-networked printer via said first peripheral connection, said first agent software forwarding via said first network said first printer status information to said manager software executing on said monitor computer (col.10, lines 36-65) for storage in said database.

6.   Miyachi did not specifically teach the monitor computer to store the status information in a database. However, Miyachi taught to provide the entire database of the first computer to the monitoring computer (col.9, lines 45-47) wherein the status information are in a format native to the database (col.10, lines 60-65). Hence, in order for the monitoring computer to obtain the entire database, it is essential for the monitoring computer to cache or store the entire database in a storage, either temporary or permanently. Furthermore, it is obvious to one or ordinary skill

in the art for a computer to comprise a storage means such as a hard drive or floppy drive. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the teaching Miyachi to include a database in associated with the monitoring computer

170 to store the status information provided by the host computer.

7.   As per claim 27, Miyachi taught the invention including a method for monitoring a

printer, comprising the steps of:

> a. Receiving first printer status information associated with a first non-networked
>
>   printer from a first computer via a first network (ol.5, lines 47-60, col.9, lines 10-
>
>   16, col.10, lines 44-49), said first non-networked printer (110a) in communication
>
>   with said first computer (110b) via a first peripheral connection (channel 205);
>
>   and
>
> b. Storing the received said first printer status information in a database configured
>
>   to store said first printer status information (col.3, lines 60-64, col.5, lines 21-24,
>
>   col.10, lines 28-31: Database 240).

8.   Miyachi did not specifically teach the store the received said first printer status

information in a database configured to store said first printer status information. However,

Miyachi taught to provide the entire database of the first computer to the monitoring computer

(col.9, lines 45-47) wherein the status information are in a format native to the database (col.10,

lines 60-65; see claims 7 and 8). Hence, in order for the monitoring computer to obtain the entire

database, it is essential for the monitoring computer to cache or store the entire database in a

storage, either temporary or permanently. Furthermore, it is obvious to one or ordinary skill in

the art for a computer to comprise a storage means such as a hard drive or floppy drive (as shown

in Miyachi figure 1: 170 to comprise floppy disk drive). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teaching Miyachi to

include a database in associated with the monitoring computer 170 to store the status information

provided by the host computer.

9.   As per claims 2 and 14, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi further taught that the first agent software is in bi-direction communication with said

first non-networked printer (col.10, lines 36-41: transmit request and receive response from

MFP).

10.   As per claims 4 and 16, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi further taught that said first agent software is configured to poll said first non-network

printer in order to obtain said first printer status information (col.8, lines 61-67).

11.   As per claims 5 and 17, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi further taught that said first agent software is configured to poll said non-networked

printer on a periodic basis (col.8, lines 61-67, col.10, lines 13-21).

12.   As per claims 6 and 18, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi did not teach said first agent software is configured to receive corresponding printer

status information from more than one non-networked printer directly connected to said first

computer. However, Miyachi's stated that a preferred one-to-one correspondence is for the

purpose of maximizing efficiency of the host computer and the printer (col.5, lines 34-36). For

this reason, Miyachi's teaching is not limited to the one-to-one correspondence between host

computer and printer setup. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Miyachi and configured a many-to-one

connection between a host computer and a plurality of printers to reduce equipment cost.

13.   As per claims 7 and 19, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi did not teach to comprise at least one additional non-networked printer, each said at

least one non-networked printer being in communication with said first computer via a

corresponding peripheral connection, each said at least one additional non-networked printer

having associated therewith a corresponding printer status information, wherein said first agent

software is configured to obtain said corresponding printer status information from said at least

one additional non-networked printer via said corresponding peripheral connection, said first

agent software forwarding via said first network said corresponding printer status information to

said manger software executing on said monitor computer, and said manager software

configured to receive said corresponding printer status information from said first agent software

and store said corresponding printer status information in said database. However, Miyachi's

stated that a preferred one-to-one correspondence is for the purpose of maximizing efficiency of

the host computer and the printer (col.5, lines 34-36). For this reason, Miyachi's teaching is not

limited to the one-to-one correspondence between host computer and printer setup. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of Miyachi and configured a many-to-one connection between a host

computer and a plurality of printers to reduce equipment cost.

14.   As per claims 8 and 20, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi further taught a second computer connected to said first network and a second non-

networked printer for performing the processes identical to the first computer and the first printer

(col.5, lines 34-47: *...between Hosts and MFPs*. Note the devices in plural form).

15.   As per claims 9 and 21, Miyachi taught the invention substantially as claimed in claim 1.

Miyachi further taught said first network is one of a local area network and the Internet (LAN

160).

16.   Claims 3, 10-12, 15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Miyachi as applied to claims 1 and 13 above, and further in view of Sekizawa, US

6,430,711.

17.   Sekizawa was cited in the previous Office Action.

18.   As per claims 3 and 15, Miyachi taught the invention substantially as claimed in claims 1

and 13. Miyachi did not specifically teach that said first agent software is configured to obtain

said printer status information from said first non-networked printer on demand. Sekizawa

taught to monitor status using both periodically or on demand (col.5, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and Sekizawa because Sekizawa's teaching enables Miyachi's method request status information at any time.

19.   As per claims 10 and 22, Miyachi taught the invention substantially as claimed in claims 1 and 13. Miyachi did not specifically to transmit the status information from the database to a data collection computer via a second network. Sekizawa taught a second network, said monitor computer connected to said second network; transmission software installed on said monitor computer, said transmission software configured to extract said first printer status information from said database and transmit said first printer status information across the second network; a data collection computer connected to said second network; and data reception software installed on aid data collection computer, said data reception software configured to received said first printer status information, said monitor computer executing said transmission software to extract said first printer status information from said database and transmit said first printer status information across said second network, said data collection computer executing said data reception software to receive said first printer status information via said second network (col.3, lines 22-28: since the status information is stored in a database, transmitting the status information requires obtaining the status information from the database). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Miyachi and Sekizawa and distribute the status information to various computers or servers connected via various type of network for management and log keeping proposes.

20.   As per claims 11 and 23, Miyachi and Sekizawa taught the invention substantially as
claimed in claims 10 and 22. Sekizawa further taught said second network is one of a local area
network and the Internet (col.3, lines 61-63).

21.   As per claims 12 and 24, Miyachi and Sekizawa taught the invention substantially as
claimed in claims 10 and 22. Sekizawa further taught to forward printer status information of at
least one networked printer connected to said first network across the first network; tracking
software installed on said monitor computer for obtaining said at least one networked printer
status information and store said at least one networked printer status information on said
database; and extract the networked printer status information from the database and transmit it
to the data collection computer via the second network (col.3, lines 44-53, col.5, lines 61-62). It
would have been obvious to one of ordinary skill in the art at the time the invention was made to
combine the teachings of Miyachi and Sekizawa to monitor various types of printers and obtain
corresponding status information and stored the status information in various computers or
servers across various type of network for management and log keeping proposes.

Response to Arguments

22.   Applicant's arguments with respect to claim 27 have been considered but are moot in
view of the new ground(s) of rejection.

23.   Applicant's arguments filed 4/10/2008 regarding claims 1-26 have been fully considered
but they are not persuasive.

24.   In the remark, applicant argued: (1) Applicant request reconsideration of rejection of
claim 27 by pointing out that the second clause of "first printer status information" provides
antecedence basis to show that it is the received first printer status information. (2) Miyachi does
not teach manager software installed on a monitor computer, wherein the manager software is
printer management software, as made clear by applicant's specification, which is configured to
obtain printer status information from agent software. (3) Miyachi does not disclose the agent
software that forwards the status information to a monitor computer since a technician accesing
host is not agent software. (4) Miyahchi does not disclose the agent software forwarding the
printer status information to manager software executing on a monitor computer for **storage in a
database**. (5) the dependent claims are allowable.

25.   Examiner traverse the argument:
As to point (1), examiner disagree that the second clause shows full antecedence basis to "the
receive" first printer status information. At most, the previous claim language only showed that
they are of the same printer status information, but failed to show that the first printer status
information is stored after it is received. The examiner's interpretation was proper since the first
printer status information may be stored prior to its transmission and that the database is
necessary remote from the first computer. The newly amended claim 27, although clearly
showed that the first printer status information is the received printer status information and

conclusively hinted that the database is remote form the first computer, it change the scope of the

previous presented claim 27 and thus necessitate new ground of rejection and required further

consideration in examination.

As to point (2), in response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the

manager software is printer management software) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993). Miyachi disclosed that the host is able to receive status information from the agent

software and also maintain the stored status information (col.9, lines 1-24). This clearly shows

the feature of management software and meets the limitation of manager software installed on

the monitor computer (since hardware is not able to manage database), which is configured to

obtain printer status information from agent software.

As to point (3), Miyachi disclosed that the Host comprises management software (col.5, lines 47-

50: mapped as the agent software by the examiner). Miyachi specifically disclosed that "the

Host 110b using its modem 260 **for connecting** to the remote monitoring computer 170 **and**

uploading the status information selected by the technician". This clearly shows that it is the

Host (with the agent software installed thereof) that is processing the uploading/forwarding.

Miyachi specifically disclosed that the technician only **selects** the status information for

uploading. It is clearly shown that the uploading procedure (i.e. forwarding) is processed

through the agent software other than the technician.

As to point (4), it is clear that the applicant has failed to understand the examiner's logic in the rejection. Miyachi may not have specifically disclosed the monitor computer 170 to store the status information **in a database** (in database format), however, Miyachi disclosed the monitor computer 170 to comprise a storage (see figure 1: 170 is clearly a computer, and storage such as memory or hard-drive are known components essential for a computer, especially the picture shows to include a floppy disk drive). In addition, Miyachi taught to provide the entire database of the first computer to the monitoring computer (col.9, lines 45-47: sent to monitor computer in database format) wherein the status information are in a format native to the database (col.10, lines 60-65; see Miyachi claims 7 and 8). Hence, in order for the monitoring computer to obtain the entire database, it is essential for the monitoring computer to cache or store the entire database in database format in a storage, either temporary or permanently. If the monitor computer is able to receive the entire database in a format native to the database, it is obvious that the receive database can be stored in the storage of the monitor computer in the format native to the database. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching Miyachi to include a database in associated with the monitoring computer 170 to store the status information provided by the host computer.

As to point (5), the dependent claims are not allowable since because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

26.

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

28.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The

examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kenny S Lin/
Primary Examiner, Art Unit 2152
July 14, 2008